

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED NATURAL FOODS,  
INCORPORATED,

Plaintiff,

v.

INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, LOCAL 117 & LOCAL 313,

Defendants.

Case No. 2:19-cv-01736-RAJ

ORDER GRANTING MOTION  
FOR RECONSIDERATION  
AND MOTION FOR LEAVE TO  
FILE AMICUS BRIEF AND  
STRIKING MOTION AND CROSS-  
MOTION FOR SUMMARY  
JUDGMENT

**I. INTRODUCTION**

This matter comes before the Court on several motions: (1) Plaintiff's Motion for Reconsideration of the Court's Order Denying Plaintiff's Motion for Temporary Stay Pending Resolution of NLRB Charge, Dkt. # 38; (2) Motion for Leave to File *Amicus Curiae* Brief by National Labor Relations Board, Dkt. # 42; (3) Plaintiff's Motion for Summary Judgment, Dkt. # 45; and (4) Defendants Cross-Motion for Summary Judgment, Dkt. # 43. Based on the parties' submissions and a review of the current record, the Court **GRANTS** the motion for reconsideration, **GRANTS** the motion for leave to file *amicus curiae* brief, and **STRIKES** the both parties' motion and cross-motion for summary judgment.

**II. BACKGROUND**

The Court has discussed the details of this matter in prior orders and will not repeat them here except as relevant to the instant motions. On October 28, 2019, Plaintiff

United Natural Foods, Incorporated (“UNFI”) filed an action in this Court against Defendant International Brotherhood of Teamsters Local 117 and Local 313 (collectively, the “Unions”) to vacate an arbitration award (“Award”) granted to the Unions weeks earlier. Dkt. # 1. That same day, UNFI also filed an unfair labor practice charge with the National Labor Relations Board (“NLRB”), alleging that the Award violates the National Labor Relations Act (“NLRA”). Dkt. # 8. The Unions denied the allegations and counterclaimed under the Labor Management Relations Act (“LMRA”), seeking to confirm and enforce the Award and obtain relief from UNFI’s alleged breach of certain collective bargaining agreements. Dkt. # 28 at 2. On January 24, 2020, UNFI filed a motion for temporary stay pending resolution of the NLRB charge. Dkt. # 24. The Court denied the motion on July 21, 2020. Dkt. # 36. On July 29, 2020, the NLRB issued a Consolidated Complaint against the Unions alleging violations of NLRA Sections 8(b)(1)(A), 8(b)(2) and 8(b)(3) related to the conduct at issue before the Court. Dkt. # 38 at 4.

### III. DISCUSSION

Motions for reconsideration are disfavored and will be granted only upon a “showing of manifest error in the prior ruling” or “new facts or legal authority which could not have been brought to [the court’s] attention earlier with reasonable diligence.” Local Rules W.D. Wash. LCR 7(h)(1). Here, additional facts have come to the Court’s attention after the Court’s order denying a temporary stay was issued, which weigh in favor of temporarily staying proceedings and permitting the NLRB to resolve representational issues. The NLRB’s Region 19 issued a complaint against the Unions on July 29, 2020. Dkt. # 38 at 4. An evidentiary hearing before an administrative law judge on this matter is scheduled for March 2, 2021. Dkt. # 42-1 at 6. The Court exercises its broad discretion with respect to the participation of amici and **GRANTS** the NLRB, a third party with significant interests in addressing representational concerns and possible violations of the NLRA, leave to file its *amicus curiae* brief. To avoid conflicting

1 outcomes and in the interest of judicial economy, the Court **GRANTS** a stay pending  
2 NLRB resolution of the representational matters at issue. The Court **STRIKES** the  
3 parties' motions for summary judgment and will allow parties to refile such motions upon  
4 conclusion of the NLRB proceeding.

#### 5 **IV. CONCLUSION**

6 For the above reasons, the Court **GRANTS** Plaintiff's Motion for Reconsideration  
7 of the Court's Order Denying Plaintiff's Motion for Temporary Stay Pending Resolution  
8 of NLRB Charge, Dkt. # 38. The Court **GRANTS** the Motion for Leave to File *Amicus*  
9 *Curiae* Brief by National Labor Relations Board, Dkt. # 42. The Court **STRIKES**  
10 Plaintiff's Motion for Summary Judgment, Dkt. # 45, and Defendants' Cross-Motion for  
11 Summary Judgment, Dkt. # 43, and will allow parties to refile such motions upon  
12 conclusion of the NLRB proceeding.

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14 DATED this 16th day of November, 2020.

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17 The Honorable Richard A. Jones  
18 United States District Judge  
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